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10 Attorneys for Plaintiff
11 Shirley Fleming

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 **SHIRLEY R. FLEMING,**
15 Plaintiff,

16 v.

17 **BRANCHFELD &**
18 **ASSOCIATES, P.C.,**
19 Defendant.

20 **CASE NO.: 3:08-CV-00371-L-BLM**

21 **NOTICE OF MOTION AND MOTION**
22 **FOR ATTORNEYS' FEES AND COSTS**

23 **NO ORAL ARGUMENT UNLESS**
24 **REQUESTED BY THE COURT**

25 **HON. M. JAMES LORENZ**

26 **Date: November 17, 2008**
27 **Time: 10:30 a.m.**
28 **Courtroom: 14**

TO: DEFENDANT BRANCHFELD & ASSOCIATES, P.C., AND ITS
ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on November 17, 2008, at 10:30 a.m. in Courtroom 14 of the United States Courthouse, located at 940 Front Street, San Diego, California, 92101, Shirley Fleming, ("Plaintiff"), through her attorneys of record, will move this Court for an award of attorneys fees and costs against Defendant, BRANCHFELD & ASSOCIATES, P.C., pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civ. Code § 1788.30.

1 This motion is based upon the instant Notice of Motion, the attached
2 Memorandum of Points and Authorities in support, the declaration of Joshua B.
3 Swigart, on all papers and records on file herein. Plaintiff submits on the
4 pleadings and requests no oral arguments, unless requested by the Court.

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6 Dated: September 12, 2008

Respectfully submitted,

7 **HYDE & SWIGART**

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9 By: /s/ Joshua B. Swigart
10 Joshua B. Swigart
11 Attorneys for Plaintiff
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